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5 Attorneys for Defendants CITY OF ANAHEIM,
6 CITY OF ANAHEIM erroneously sued as
7 ANAHEIM POLICE DEPARTMENT, and
8 RAUL QUEZADA

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 CHRISTIAN DORSCHT, a Minor,
12 By and Through his Guardian Ad
13 Litem, Alma Jimenez and John
Dorscht; ALMA JIMENEZ; and
JOHN DORSCHT,

14 Plaintiffs,

15 v.

16 THE CITY OF ANAHEIM,
17 ANAHEIM POLICE
18 DEPARTMENT, RAUL QUEZADA
19 CHIEF OF ANAHEIM POLICE
20 DEPARTMENT, THE CITY OF
21 LOS ANGELES, LOS ANGELES
22 POLICE DEPARTMENT,
23 CHARLIE BECK CHIEF OF
24 POLICE OF LOS ANGELES
25 POLICE DEPARTMENT, LAPD
26 OFFICER KEVIN FERGUSON, and
27 DOES 1 through 50, Inclusive,

28 Defendants.

Case No.: 8:17-cv-01162 DOC (JCG)

**PROTECTIVE ORDER RE
CONFIDENTIAL INFORMATION**

[Discovery Document: Referred to
Magistrate Judge Jay C. Gandhi]

Action Filed: 6/27/2017
Trial Date: 9/25/2018

25 On or about February 27, 2018, the parties stipulated to a protective order
26 regarding confidential information and seek to have a protective order entered by
27 the Court based on that stipulation. The stipulation has been filed with the Court.
28 Based on that Stipulation and it appearing that the information is confidential and

1 good cause appearing therefor, the following Protective Order shall apply to any
2 Documents produced by Defendants City of Anaheim, Anaheim Police Dept. and
3 Raul Quezada Chief of Anaheim Police Dept. to Counsel in this action:

4 1. **GOOD CAUSE STATEMENT:** This action involves information
5 for which special protection from public disclosure and from use for any purpose
6 other than prosecution of this action is warranted. Such confidential materials
7 and information consist of the Anaheim police investigation and the City of
8 Anaheim Police Department's Body Worn Camera videos (which includes
9 information implicating privacy rights of third parties including minors as parties
10 and witnesses), information otherwise generally unavailable to the public, or
11 which may be privileged or otherwise protected from disclosure under state or
12 federal statutes, court rules, case decisions, or common law. Accordingly, to
13 expedite the flow of information, to facilitate the prompt resolution of disputes
14 over confidentiality of discovery materials, to adequately protect information the
15 parties are entitled to keep confidential, to ensure that the parties are permitted
16 reasonable necessary uses of such material in preparation for and in the conduct
17 of trial, to address their handling at the end of the litigation, and serve the ends of
18 justice, a protective order for such information is justified in this matter.

19 2. All Counsel shall receive from the Defendant City of Anaheim a
20 copy of the Anaheim police investigation and the Anaheim Police Department
21 Body Worn Camera videos in connection with the incident and arrest of minor
22 Plaintiff, C. D. ("File").

23 3. Counsel shall personally secure and maintain the File in their
24 possession to the end that the File is to be used only for the purposes set forth
25 below and for no other purpose.

26 4. Counsel's copy of the File shall only be used for preparing for and
27 prosecuting this case pending the completion of the judicial process including
28 appeal, if any. No copies of the File shall be made, except to provide a copy to

1 an expert who must agree to be bound by the Protective Order.

2 5. If necessary in the judgment of the attorneys for the parties in this
3 case, they may make a copy of the File for their expert if the same may actively
4 assist in the prosecution of this case, as long as the expert agrees to be bound by
5 the terms of this Protective Order. No other copies may be made.

6 **Minors Privacy:** The minors privacy must be appropriately addressed by:
7 (1) redacting the minors' identifying information—including, but not limited to,
8 Social Security numbers, dates of birth, etc.—from any documents produced.
9 Keith H. v. Long Beach Unified Sch. Dist. (CD CA 2005) 228 FRD 652, 658.

10 "[P]rivacy objections can be appropriately addressed by: (1) redacting the
11 [minor]s' identifying information—including names, Social Security numbers,
12 dates of birth, etc.—from the documents produced and, if necessary, using
13 pseudonyms or codes to identify the students, see Foltz v. State Farm Mut. Ins.
14 Co., 331 F.3d 1122, 1137 (9th Cir.2003) (holding third-party privacy information
15 can be protected by '[s]imply redacting the identifying information of third
16 parties (e.g., their names, addresses, telephone numbers, and social security
17 numbers) from the[ir] records and disclosing the remaining information'), and,
18 (2) producing documents under a protective order to minimize any invasion of
19 the [minor]s' privacy rights. Id..... Coupled with a protective order, it is
20 sufficient for defendants to redact each [minor]'s name, Social Security number,
21 date of birth, address, and telephone number, as well as the [minor]'s parent's or
22 guardian's name, address, telephone number, and Social Security number. If
23 defendants redact the [minor]'s identification number and similar identifying
24 numbers, they must replace those numbers with some other method of
25 identification, e.g., John Doe I, II, III, etc., by which plaintiff can ascertain
26 whether the documents produced relate to the same or different individuals."
27 Keith H. v. Long Beach Unified Sch. Dist. (CD CA 2005) 228 FRD 652, 658.

28 In efforts to preserve minor confidentiality and privacy, yet move forward

1 with discovery in the instant matter, Defendant City of Anaheim shall redact the
2 following from the Anaheim Police Department police report documenting the
3 relevant investigation: Names of all minors other than Plaintiff C.D., contact
4 information of all minors, Social Security numbers, driver's license numbers and
5 any booking information for said minors along with any statements provided by
6 the minors. The redacted report will be produced to all parties upon entry of the
7 subject Protective Order.

8 "Welfare and Institutions Code §827 governs the inspection and release of
9 juvenile ... records. Section 827 provides, in pertinent part, "A juvenile case
10 file, any portion thereof, and information relating to the content of the juvenile
11 case file, may not be disseminated ... other than [to] those ... authorized to
12 receive documents ..." Cal. Welf. & Inst. Code §827(a)(4). There is a strong
13 public policy in keeping juvenile court records confidential, and it is up to the
14 juvenile court to determine when disclosure of such records is allowed. In re
15 Keisha T., 38 Cal.App.4th 220, 231, 44 Cal.Rptr.2d 822 (Cal.Ct.App.1995)."
16 Buzayan v. City of Davis Police Dep't (ED CA 2007) 2007 WL 2288334, at *6.

17 Plaintiffs' counsel will petition the juvenile court pursuant to Welfare and
18 Institutions Code §827 seeking production of the entire Anaheim Police
19 Department investigation including all audio and video recordings of minors, i.e.
20 Body Worn Camera video footage. Section 827 contemplates situations in which
21 inspection by third parties will be permitted and puts the protection of
22 confidentiality of the records within the discretion of the juvenile court which is
23 in the best position and statutorily authorized to make the decision of whether and
24 what material should be released. Once an Order is entered by the juvenile court,
25 Defendant City of Anaheim will produce the records, including audio and video
26 of minors, with redactions set forth in the juvenile court's Order to all parties.

27 6. Duration: Once a case proceeds to trial, all of the information that
28 was designated as confidential or maintained pursuant to this protective order

1 becomes public unless compelling reasons supported by specific factual findings
2 to proceed otherwise are made to the trial judge in advance of the trial.
3 Kamakana v. City and County of Honolulu (9th Cir. 2006) 447 F.3d 1172, 1180-
4 1181 (distinguishing "good cause" showing for sealing documents produced in
5 discovery from "compelling reasons" standard when merits-related
6 documents are part of court record). Accordingly, the general terms of this
7 protective order do not extend beyond the commencement of the trial, except as
8 to minors.

9 7. Final Disposition: After the final disposition of this Action,
10 Counsel shall return all Protected Material and/or Confidential Information to
11 counsel for the City of Anaheim or shall destroy such material, including all
12 copies and extracts thereof, abstracts, compilations, summaries, and any other
13 format reproducing or capturing any of the Protected Material and/or
14 Confidential Information with the exception of those documents affected by the
15 attorney work-product doctrine or attorney-client privilege. Notwithstanding this
16 provision, Counsel are entitled to retain an archival copy of all pleadings, motion
17 papers, trial, deposition, and hearing transcripts, legal memoranda,
18 correspondence, deposition and trial exhibits, expert reports, attorney work
19 product, and consultant and expert work product, even if such materials contain
20 material Protected Material and/or Confidential Information produced subject to
21 this order. Any such archival copies that contain or constitute Protected Material
22 and/or Confidential Information remain subject to this Protective Order.

23 8. Counsel shall cause the substance of this order to be communicated
24 to each person to whom the File is revealed in accordance with this order and
25 prior to disclosure of the Confidential Information, have such person execute a
26 written Understanding and Agreement to be bound by this Stipulation for
27 Protective Order in the form attached hereto as Exhibit 1.

28 9. Counsel shall not cause or knowingly permit disclosure of the

1 contents of the File beyond the disclosure permitted under the terms and
2 conditions of this order, including but not limited to any news media which is
3 inclusive of film or video, television, radio or print.

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5 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED:

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7 Dated: March 5, 2018


8 HON. JAY C. GANDHI
9 United States Magistrate Judge

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EXHIBIT 1
UNDERSTANDING AND AGREEMENT TO BE BOUND
PURSUANT TO PROTECTIVE ORDER

I declare under penalty of perjury under the laws of the United States of America that I have read in its entirety and understand the Stipulation and Protective Order that was issued by the United States District Court for the Central District of California in the case of C.D., et al v. CITY OF ANAHEIM, et al., Case No. SACV 17-01162 DOC (JCG), now pending in the District Court. I understand the Stipulation and Protective Order and agree to comply with and to be bound by all the terms of the Stipulation and Protective Order. I solemnly promise that I will not disclose in any manner any information or item that is subject to the Stipulation and Protective Order to any person or entity except in strict compliance with the provisions of the Stipulation and Protective Order.

DATED: _____

Bv: _____
SIGNATURE

PRINT NAME

ADDRESS

CITY, STATE, ZIP